File no. 94 of 12

1 - 9

Previous references

Ch 163-10

1912
~~1907~~

(Courts)

File No. 94-12

Serial Nos. 1-9

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-9

Part B. for March 1913

SUBJECT.

reference of the D/ Judge, Bangalore, in the case brought by one Mallabba Shetty

1) From the Registrar, Chief Court, no 1268/93 dy 4.10.12
Requests that the Govt Advocate may be asked to appear on behalf of the D/ Judge Bangalore

2) To the Registrar, Chief Court & Comptroller no J 1107-8 dy 15.10.12
Passes order accordingly

3) From the Govt Advocate no 1158 dy 31.10.12
Sends copy of written statement & copy of the issues framed in the case

4) From the Govt Advocate no J 1463/8 dy 27.11.12
Sends ch file 163-10.

5) From the Govt Advocate no 17 dy 15.1.13
States that the suit was dismissed & returns ch file 163-10

G. R. S. 58

(over

6) From the Govt Advocate - no 191 dt 25th Jan. 13
Forwards copy of judgment in the case with his bill of fees

7) To the same officer no 2308 dt 8.2.13
Calls for a copy of the decree

8) From the same officer no 203 dt 8.2.13
Furnishes copy of the decree

9) To the Govt Advocate the Comptroller
~~no 2308 dt~~ 25.19.80
no 2308 dt 8.3.13
Sanctioning the bill of fees

G.R.S. 11] 1912 – 13.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Cls File No. 94 – 12.

FILE HEADING.

Defence of the District Judge, Bangalore in a Suit brought by one Mallappa Chetty.

From

The Registrar, Chief Court

No. 1268/93. Dated 4 – 10 – 12 Received 7 – 10 – 12.

Diary No. 1017	Enclos. one Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Forwards a Copy of plaint in a Suit brought by Mallappa Chetty against the District Judge, Bangalore, and requests that the Govt Advocate may be instructed to appear on behalf of the District Judge.

NOTES AND ORDERS.

Draft Subd. Date of hearing – 30th inst. (Please ACS 122 – See Cls file No 163-10.)

9-10-12

2. Draft may be issued. And this office file No 163-10 below may also be forwarded thereto.

NOTES—First Sheet.

GPB—30,000—12-8-11

General and Revenue Secretariat. | File No. | of 191

Serial No.

Govt Advocate for perusal and return. The case has been discussed there

9/10/12

Secy 1st Committee

9/10

995

13/10/12

9/10.

14/10

3. Issue draft letter from file to G.A. for perusal & return

15/10.

2 To The Registrar, Chief Court

Govt Advocate

No 1107-8 Dy 15. 10. 1912

Requests the Govt Advocate to appear and conduct the defence in the suit before the Chief Court

4. Forwarded to the Govt. Advocate for perusal and kind

P.T.O.

J.U.O.20

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

3

General and Revenue Secretariat.

Ctc File No. 94 of 1912

Serial No.	
	return.
	By order
	B Ramachandra Iyer
	for Offg Secy to Govt
	Sent returned. As the case is still pending I request the file may be sent back to me as early as convenient.
	Govt Advocate
	6.11.12 for A.G.
CD 4/11 3	From the Govt Advocate Mysore, N 115 dt 31.10.12
	Forwards for information a copy of the written Statements filed by him as well as a copy of the preliminary issues framed by the Judge.
	Submd for information. After perusal, the file will have to be returned to the Govt Advocate, as desired by him.
	The case is adjourned to Hearing 28th November 1912
	12/11/12
	S. Subdt V.C. for perusal
Please see what further action has to be taken	
	Seen
	14/11/12
	19/11/12

NOTE.—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

4

General and Revenue Secretariat. | CS File No. 94 of 1912-13

Serial No.	
8	Draft forwarding the Records of Collection Courts 163-10. Sls 1-6 to the Govt. Advocate is submitted for approval. Secy 21.11.12
4	From the Govt Advocate. No 1463 dy 27-11-12 Forwards for reference (and return when done with) the file No 163-10 Sls 1-6;
5	From the Govt Advocate. No 1729 dy 18-1-13. Reports that the Suit was dismissed with Costs and returns the Secretariat file.
9	Subd for perusal The receipt of a copy of the Chief Court order. May be awaited Secy 18/1/13.
6	From the same office No 191 dy 25/1/13 18.1.13 Forwards a copy of the Judgment in the case & submits his bill of fee, duly certified & signed by the Judge, for the sanction of Govt

P T O

NOTE—Contn. sheet.

GPB—65,000—17-5-12.

H. R. S. 12]

General and Revenue Secretariat. | Courts File No. 94 of 1912–13

Serial No.

Flag Y regarding the remuneration payable × Flag X - (Costs-decl) of the Civil Digest

10) The amount claimed by the Govt Advocate is according to the scale laid down. Subd with a draft sanctioning the claim and forwarding × the bill to the Comptl for audit and payment.

KG.–129 Resubd

1/2 SW 1/2/13

11) Please see para 7(5) of G.O. × No. 1932-85-J 137 of 02 dd 16th March 04 which lays down that the remuneration payable to the Govt Advocate for defending a civil suit on behalf of Govt will ordinarily be the maximum amount calculated according to rate of costs of the suit assessable by the Court.

× The bill requires counter-signature.

[marked "early" in the abstract of Appeal received with orders from the Secretariat. Flag Y SW

Where is Flag Y? Please bring up when Spl 2/2/13

KG. SW 4/2

12) The amount of fees claimed seems to be admissible under the rules. But it may be noted that the case was disposed of on a preliminary point.

13) Draft order is submitted for approval

Dy Secy) Spl 5/2/13

14. Let a copy of the decree be obtained by means of an official requisition to the G. A. — Dmm 6/2

15. Put up draft accpt

SW 6/2/13

NOTE—Contn. sheet.

GIP—65,000—17-6-12.

1973.

7. R. S. 12]

General and Revenue Secretariat. 65 File No. 94 of 1912-13

Serial No.	
	16. Subd with a draft to the Govt Advocate.
	KG. 6/2 SN / 17 Issue SPR 6.2.13
7	To the Govt Advocate in Mysore No J 2308 dy 8-2-1913. Calls for a copy of the decree passed in the case.
8	From the Same Spear No 203 dy 8th Feb 1913. Forwards a copy of the decree called for in 7.
	18. Subd. KG. SN 13/2 DY (Fee) SPR 14/2 9 The decree allows the fee claimed. Draft sanctioning it is put up. Dmn and Sen 17/2 1st Councillor SPR 17/2 10 Draft appd by 1st Councillor 26.2.13 MNS 27/2 Dmn 27/2
	11 Issue SPR 27/2
9	To The Govt Advocate and the Comptr No J 2579-80 dy 3-3-13. Sanctions the bill of fees claimed by the Govt Advocate.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

No: 1268/93 Encl: one

(1

CHIEF COURT OF MYSORE,

Bangalore, dated 4th October 1912.

6/10.

DIARY No. 1017. From

1912-1913
SECTION Court
FILE NO. 94-12
SERIAL NO. 1.

V. A. RAJARATNA MUDALIAR, Esquire,
Registrar of the Chief Court of Mysore.

To

K. R. SRINIVASA IYENGAR, Esquire, M.A.,
Offg: Secretary to the Government of Mysore,
General and Revenue Departments.

S I R,

I am directed to forward a copy of the plaint in O.S. No. 1 of 1912-13 on the file of this court, filed by one Mallappa Chetty against the District Judge of Bangalore as Court of Wards for the recovery of a sum of Rs. 67,802/- and to request that you will be so good as to obtain orders of Government for the Government Advocate appearing on behalf of the District Judge for defending the suit. The case is posted for issues on the 30th Instant.

I have the honour to be,
Sir
Your most obedient servant,

Registrar.

REGISTRAR.

N.G.

NB.

G.R.S. 28.7

(6)

(G) File No. 94-12

Serial No. 2

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(G.)

the 19

Date of issue 15.10.12

Signed by Mr Shivaganacharya

READ-- Letter N 1268/93 dated the 4th October 1912 from the Registrar Chief Court forwarding a Copy of the plaint in

~~ORDER THEREON. No.~~

O.S N 1 of 1912-13 on the file of that Court, ~~for~~ ~~by One~~ Mallappa Chetti ~~against~~ the District Judge of Bangalore Civil

over

SUBJECT.

GPB—10,000—19-4-10.

requesting that the Govt
Advocate may be instructed
to defend the Suit.

Order thereon. N:-J 1107-8/CS-94-12- & Encl.
& 15.10.12

The Govt Advocate
in Mysore is requested
to appear and ~~defend~~
conduct the defence
in the aforesaid Suit
before the Chief Court.

For Secy to Govt

To

The Registrar, Chief Court.
" Govt Advocate in Mysore
(With the plaint)

13/10/12

Draft by
KCR 12
9-10-12

NS.
15/10

No. 115.
Encl. Two.
Seen in Camp without the file.

C8-94-12-3 (4)

Office of the Government Advocate in Mysore,

Bangalore dated 31st October 1912.

From,

C. S. Doraswamy Iyer Esq., B.A., B.L.,
Government Advocate in Mysore, Bangalore.

DIARY No. 1167
10 -10
SECTION Ch
FILE No. 94-12
SERIAL No. 3

To,

The Secretary to the Government of His Highness
the Maharaja of Mysore General & Revenue Departments

Sir,

Adverting to Government Proceedings No.J 1107-8/ Cts 94-12-2 dated 15th October 1912, requesting me to appear and conduct the defence before the Chief Court in O. S. No.1 of 12-13, (Mallappa Setty VS District Judge, Bangalore) I have the honour to forward herewith for the information of Government, a copy of the written statement filed by me in the case as well as a copy of the preliminary issues framed by Mr. Justice E.H. Wallace.

I have the honour to be,

Sir,

Your most obedient servant,

C Doraswamy Iyer

Government Advocate.

5. The only relief which the plaintiff may reasonably expect, has been awarded to him in Mis. Case No.1 of 1907-08 on the file of this Honourable Court and confirmed in Mis. Appeal No. 33 of 1909-10.

6. The Defendant prays that the preliminary points raised in this statement may first be disposed of and if the objection should be held in favour of the Defendant, the suit may be dismissed with costs. If, however, the objections should be held against the Defendant, permission may be kindly be granted to file an additional statement in answer to the allegations of fact made in the plaint.

Bangalore,
30th October 1912.

Government Advocate.

Incl to
Op 94-12-3

In the Chief Court of Mysore, Bangalore.

O. S. No.1 of 1912 - 1913.

Plaintiff.	Defendant.
B. Mallappa.	VS. The Court of the District Judge Bangalore.

On behalf of the Defendant, the undersigned begs to state as follows:-

1. The allegations contained in the plaint assuming them to be true, do not disclose any - cause of action against the Defendant.

2. There is no provision in the Civil Procedure Code to bring a suit against a Court of law. If Judicial officers do acts for which there is - no statutory protection, it is they that are --- liable and not the Court over which they preside.

3. Assuming that the words "Court" and "the presiding judicial officer" are synonymous and - interchangeable still the present District Judge is not liable for any act done by his predecessor in office.

4. Further inasmuchas the act complained of in para 7 of the plaint was done by the then -- District Judge in the discharge of his official duty and within the limits of his jurisdiction or at all events beleiving in good faith to have --- jurisdiction to do the act complained of, the --- suit even if had been filed against him would not be maintainable much less against his successor in office.

5. The only relief which the plaintiff may reasonably expect, has been awarded to him in -- Mis. Case No.1 of 1907-08 on the file of this -- Honourable Court and confirmed in Mis. Appeal No. 88 of 1909-10.

6. The Defendant prays that the preliminary points raised in this statement may first be disposed of and if the objection should be held in favour of the Defendant, the suit may be dismissed with costs. If, however, the objections should be held against the Defendant, permission may be kindly XX granted to file an additional statement in answer to the allegations of fact made in the plaint.

Bangalore,
30th October 1912.

Government Advocate.

(6

Encl to C/L
9-4-13

In the Chief Court of Mysore, Bangalore.

Original Suit No. 1 of 1912-1913.

Dated, 30th October 1912.

Preliminary issue framed.

(1) Is the suit maintainable in its present form viz., against "the District Judge's Court" as Defendant.

(2) If not who is the proper Defendant and what is the proper designation, to be decided before going further.

Adjourned to 28th November 1912

(Initialled). E.H.W.

G. R. S. 26]

C5 File No. 94-12

Serial No. 4

Diary No. of letter replied to 1167

No. J 1463 Encl 1 file

General and Revenue Secretariat

( )

, the 191 .

To The Govt Advocate

Kandy

Date of issue 27-11-12

Signed by [illegible]

With reference to his letter No 115 of 31.10.12, I have the honor to forward herewith, for reference and kind return when done with the marginally noted file, relating to the alleged mismanagement of the estate of B. Mallappa Chetty, Son of Basappa Chetty.

P.T.O. over.

C5 File No 163-10
Rs 1-6.
Filed May 1911.

SUBJECT.

For Secy.

(8)

No. 172

Encl. one file

III 1611

DIARY No. 1836

19/1/1913	
SECTION	CS
FILE No.	94-12
SERIAL No.	5

Office of the Government Advocate in Mysore,

Bangalore dated, 15th January 1913.

From,

C. S. Doraswamy Iyer Esq., B.A.B.L.,
Government Advocate in Mysore, Bangalore.

To,

The Secretary to the Government of His Highness the Maharaja of Mysore, General & Revenue Departments.

Sir,

With reference to Government Order No.J 1107-8/Cts 94-12- dated 15th October 1912, requesting me to appear and conduct the defence in O. S. No.1 of 1912-13, before the Chief Court, I have the honour to report that the suit -- filed by Mallappa against the District Judge, Bangalore - was dismissed with costs.

2. A copy of the order passed in the case will be --- furnished lateron.

3. The file of papers (Cts file No.163-10) received with your No.J 1463/Cts 94-12-4 dated 27th November 1912 is herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

C Doraswamy Iyer

Government Advocate.

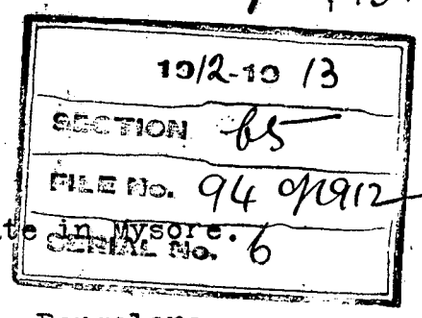
No. 191
Ed. 2.

(9

Office of the Government Advocate in Mysore.

Bangalore. Dated 25th January 1913.

DIARY No. 9 1913.



From

The Government Advocate in Mysore.

Bangalore.

To

The Secretary to the Government of H.H. the Maharala of Mysore, General and Revenue Departments.

Sir,

In continuation of this office No.172 dated 15th Instant, I have the honor to forward herewith a copy of -- Judgment of Mr.Justice E.H.Wallace in O.S.No.1 of 12-13 on the file of the Chief Court.

2. My bill of fees in the suit,duly countersigned by the Judge, is herewith submitted for the sanction of Government.

I have the honor to be

Sir,

Your most obedient servant.

Government Advocate.

Encl 6 ch 14-12-6

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Wednesday, the 15th day of January 1913.

Before Mr. Justice E. H. W A L L A C E, Judge.

ORIGINAL SUIT No. 1 of 1912-13.

Plaintiff. VS. Defendant

B. Mallappa. District Judge's ~~Court~~, Bangalore.

Claim for Rs. 67,802

This suit coming on for final hearing on Monday, the 6th day of January 1913, the Court delivered the following : -

J U D G M E N T

This is a suit by one B. Mallappa against "The District Judge's Court, Bangalore City". The plaint briefly is that in 1891-92, plaintiff's brother Rudrappa Chetti got from the District Judge, Bangalore City, a guardianship certificate, plaintiff being then a minor, that with the permission of that Court, Rudrappa Chetti sold one [illegible] of the family estates and the purchasers deposited the sale amount Rs. 1,75,000 in Court, where plaintiff's share viz Rs.36,000 was left, that in 1897 Rudrappa

chetti

(11

Chetti and one Mr. C.S.Brito applied to the Court for an advance of this sum on security of a coffee estate, and obtained the loan, that the security was inadequate and was subsequently completely alienated for another debt, and that, as the loan was unauthorised and opposed to the rules, and as plaintiff has entirely lost his money, through the action of the District Judge in so lending the money, plaintiff sues the District Judge's Court for the said sum with interest up to date amounting to Rs.67,802 and other relief.

2. Certain preliminary issues were framed and argued and defendant, who appeared by the Government advocate, was permitted to reserve putting in his full written statement until these preliminary issues were decided.

3. The first issue was whether the suit was maintainable in its present form viz against "the District Judge's Court", and after argument plaintiff asked for permission to amend the name of defendant to "District Judge". On further points raised the following preliminary issues were raised.

(1) Does the suit lie against "the District Judge" qua District Judge apart from his position as an officer and agent of Government ?

(2) If so, is the suit barred by limitation ?

(3) If

(12

(3) If not, does the suit lie against "the District Judge" in his capacity as an officer of Government ?

(4) Will the suit lie at all against Government or its agent, "the District Judge".

4. The present District Judge is not the officer who passed the order granting the loan. On the first issue then no question of his liability qua District Judge can arise. He is not by virtue of his office legally responsible for the acts of his predecessor in office, nor is he personally liable for such. His liability can only be predicted by force of his being now an agent of Government in the same office as the previous agent of the same Government who granted the loan which is the subject matter of the suit. This point is covered by issues (3) & (4) which have been fully argued before me.

5. It is an established legal and constitutional principle @ that no suit lies against Government, qua Government, in matter of tort, on the @ general principle that the king or sovereign can do no wrong. In British India, as has been clearly laid down in 27 Bom. 189 that principle has to a certain extent been modified under certain enactments to permit of suits under certain circumstances and conditions against the King's Secretary of State for India in Council. But no such restriction or modification is in force, to my knowledge, in the State of Mysore.

Consequently

(B

Consequently, as a general principle, no suit is maintainable in this State against "the Government of Mysore".

6. Suits however may be filed under certain circumstances @ against officers of the Government of Mysore for acts done or purporting to be done in their official capacity, and the maintainability of such suits is recognized and the procedure for such suits has been laid down in sections 80 - 82 of the Civil Procedure Code, Regulation III of 1911. In what cases then, generally, do such suits lie, and is the present suit covered by any such case ?

7. It is clear, I think, and it follows from the general principle above enunciated, that no suit will lie against any officer of Government in respect of any act of State or Sovereignty carried out by him as servant of the State or Sovereign, and as a corollary of this, that such officer can be sued as such officer in his official capacity only in respect of such matters in which he is acting, not sovereign-wise as the agent of the Sovereign but by virtue of any Municipal law laid down by that Sovereign which defines, confers and limits the legal rights and powers of such officers towards private individuals or towards the public generally. It is in this sense that the statement

of

of law has been laid down in 27 Bom. 189, viz that Government officers can be sued in respect only of matters "for which private individuals or trading corporations could have been sued or in regard to those matters for which there is express statutory provision," meaning that where the relation between the agent of Government and the private individual is laid down by statute or Municipal or even 'common' law, a suit would lie against that officer for a breach of such law or for a tort occasioned by an official act of his, just as it would lie against a private individual did the law confer such or similar powers on him. And in this sense it follows as laid down in 5 Mad. 273 that "when the act complained of is done under the sanction of Municipal law and in the exercise of powers conferred by that law, the fact that it is done by the Sovereign power and is not an act which could possibly have been done by a private individual, does not oust the jurisdiction of the civil courts." This principle has been accepted by this Court and is laid down in the case reported at 12 Mys. L.R. 145.

8. Now, in the present case, on the assumption, for the purposes of these preliminary issues, that the plaint case is true, the District Judge who was in office in 1892-93, purporting to act under the rules "regarding the custody and guardian-

ship

guardianship of minors," permitted the loan complained of, in contravention, prima facie, at least, of rule 16 of the "Guardians and Wards" rules which states that sums received on behalf of minors shall be invested in "public securities". He therefore though an officer of Government, prima facie, mistakenly or mala fide, committed a breach of the Municipal law and there can be no question that this suit in its present form of a claim for tort or restitution of moneys misapplied would have been maintainable against him in his official capacity as District Judge.

9. But does it follow that the suit in its present form is maintainable against the precent District Judge, whose only relation to the former Judge is by virtue of his succession and agency in the same office. I think it cannot be so maintained. Plaintiff's grievance is that certain property held for him in trust by the previous District Judge has, through the action of that District Judge in lending it on the hypothecation of certain property which proved insufficient to guarantee the loan, been lost to him. The former District Judge by his action converted plaintiff's rights from those of a possessor of cash into those of a hypothecatee. The successors of that District Judge, in so far as they took over any guardianship over plaintiff's rights, took over guardianship only of his rights as hypothecatee, and those rights have not by any act of theirs, been in any

way affected.

10. It seems to me clear then that plaintiff can only sue the successors in office of the former District Judge to recover such of his rights if any as are or have been held in guardianship by them, viz his rights as hypothecatee. Whether these rights, have, through causes beyond their control become of no value, is not a matter with which I am here concerned. Plaintiff's remedy against the successors of the former District Judge, would have been one of two courses, either to get from them the documents on which his right as hypothecatee stood and himself sue on them, or apply to them to institute a suit on his behalf. That neither ~~cause~~ course might in fact produce any material benefit to plaintiff is again beside the point.

11 That a suit against a Government official for tort or misapplication of funds must be against the official who committed the act and not against his successor in office, would seem to be too obvious to admit of argument. The principle is enunciated in 9 C.W.N. 495, a case not dissimilar to the present. There a joint Magistrate had confiscated some property alleged to have been stolen and handed it over to a third party; but it was subsequently found that there had been no theft and the

Secretary

(17)

Secretary of State was sued to return the property The learned Judges held that "the person to be sued in these cases is the person who has actually done the alleged wrongful act, who may or may not have a statutory or other defence." I am clear therefore, that the present District Judge is not legally liable for the act of his predecessor in office and that the suit as framed against him cannot stand.

12. There is another aspect of the case which leads to the same result. It is settled law that "where the duty to be performed is imposed by law, and not by the will of the party employing the agent, the employer is not liable for the wrong done by the agent in such employment". (Vide cases quoted in 28 Bom. 314 at page 325, which case is in many respects very similar to the present). And if the employer (Government) was not liable for the act of its previous agent who did not obey the duty imposed on him by law, a fortiori, the present agent of that employer cannot be liable.

13. For the above reasons I am of opinion that the suit as framed claiming damages for tort or misapplication of funds against the present District Judge Bangalore, is not maintainable and I dismiss it with costs. Plaintiff who sues in forma

6/2/13 ✗

G. R. S. 26]

65 File No. 94-12

Serial No. 7

Diary No. of letter replied to

No. J 2308

General and Revenue Secretariat

( )

, *the* 191 .

To

The Govt Advocate in Mysore

Date of issue 8-2-13

Signed by Sm S. P. Rajagopalachar

Sir,

Adverting to your letter no: 171 of the 25th Jan[y] 1913 forwarding a copy of judgment in O.S. No 1 of 1912-13 on the file of the Chief Court along with your bill of fees, I am directed to request you to furnish Govt with a copy of the decree passed in the case.

I have the

honour to be

Sir

Your obt Servt

over.

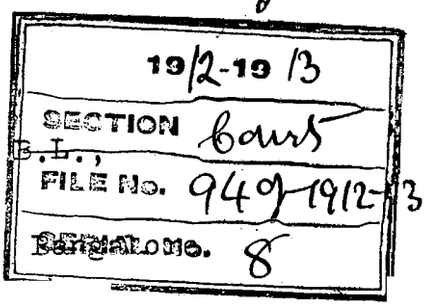
Rs. 6/2 Rs 6/2

SUBJECT.

No 203.
Encl-ure.

Office of the Government Advocate in Mysore,

Bangalore dated, 8th February 1913. DIARY No. J 2175



From,

C. S. Doraswamy Iyer Esq., B.A., B.L.,

Government Advocate in Mysore,

To,

The Secretary to the Government of His Highness the

Maharaja of Mysore General and Revenue Departments.

Sir,

As requested in your letter No.J 2308/Cts 94-12-7 dated 8th February 1913, I have the honour to forward herewith a copy of the decree passed in O.S.No.1 of 1912-13 on the file of the Chief Court.

I have the honour to be,

Sir,

Your most obedient servant,

Doraswamy Iyer

Government Advocate.

2.

Enc to 65 94-12-8

In the Chief Court of Mysore, at Bangalore.

Original Suit No.1 of 1912 - 1913.

B. Mallappa at present unemployed residing - at Vani Puttappa Chetty's house Santhepet, Tumkur.	VS.	The District Judge, Bangalore.
PLAINTIFF.		DEFENDANT.

CLAIM for Rs.67,802/-.

On the passing of judgment in this suit in the presence of Mr. K. Ramaswamy Iyengar Advocate for the Plaintiff; and Mr.C.S.Doraswamy Iyer Government Advocate for the Defendant

It is ordered and decreed that this suit be and the same hereby is dismissed.

And it is further ordered that the Plaintiff do pay to ---- Government the sum of Rs.1275/- being the Court fee due on the Plaint.

And it is further ordered and decreed that the Plaintiff do pay to the Defendant the sum of Rs.939-0-5 being the amount of costs incurred in this suit, as by memorandum annexed with interest thereon at six per cent per annum from this date unto the date of realization.

Given under my hand and seal of the Court, this 15th day of January 1913.

(Sd). E. H. Wallace.

C O P Y. Judge.

Doraswamy Iyer
Govt Advocate

MEMORANDUM OF COSTS INCURRED IN THIS SUIT.

	By the Plaintiff.	By the Defendant.
Court Fee on Plaint. --- ---		
Court Fee on Application.--- ---	2-8-0.	
Power of Attorney. --- - ---	2-0-0.	
Written Statement. --- - ---		
Exhibits. --- - --- - ---		
Processes. --- - ---- - ---	1-8-0.	
Subsistence for witnesses. - ---		
Commissioner's Fee. --- - ---		
Cost of Adjournment. --- - ---		
Fees for copying,translating,etc. --		
Cost of paper. --- --- - ---	0-2-3.	0-0-3
Advocate's Fee. --- --- - ---	939-0-2.	939-0-2.
Total Rupees	945-2-5.	939-0-5.

(Sd).V.A.Rajaratna Mudaliar.

Registrar.

Advocate for Plaintiff.

Advocate for Defendant.

1½

ab 28/3/13

(33)

G.R.S. 28]

65 File No. 94 of 1912-13

Serial No. 7 9

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 191 .

Flag V

Date of issue 3.3.13

Signed by Hon'ble S.P. Rajagopalachar

READ—

Govt Proc. No. J 107-8/65 94-12-2 dated the 15th Oct 1912 directing the Govt Advocate to appear and conduct the defence in O.S. No. 1 of 1912-13 on the file of the Chief Court, Mallappa Chetty vs the District Judge of Bangalore

2) Correspondence ending with letter No. 191 dated the 25th Jan 1913 from the Govt Advocate in Mysore, submitting the P.F. over.

~~ORDER THEREON. No.~~

SUBJECT.

bill of fees ~~duly countersigned by~~
for having conducted the defence
in the suit referred to above.

Order thereon :- No. J2578, J2579-80. Encl.

The bill is sanctioned and
forwarded to the Comptroller for
audit and payment.

Sr Asstt Secy to Govt. Home 1/2

SW
1/2/13

26/2/13

To The Govt Advocate

The Comptroller, Mysore Govt,
with the bill

(DF
KG.-129
1/2

File no 109012
1-4